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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,377	07/10/2003	Hiroaki Nemoto	NITT.0147	1283

38327 7590 06/30/2004

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EXAMINER

RICKMAN, HOLLY C

ART UNIT PAPER NUMBER

1773

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/616,377	NEMOTO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Holly Rickman	1773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>11/12/03, 7/10/03</u> . | 6) <input type="checkbox"/> Other: ____  |

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities: the formula set forth in lines 19-21 needs to have brackets surrounding the first half of the expression (i.e., “[Hc at 25 degrees Celsius – Hc at 70 degrees Celsius]”. Otherwise, it appears that the equation is:  
$$\text{Hc at 25} - (\text{Hc at 70}/\text{Hc at 25}).$$

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The terms "relatively dense" and "relatively sparse" in claim 4 are relative terms which render the claim indefinite. The terms "relatively dense" and "relatively sparse" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4, 12, 15, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by van de Veerdonk et al. (US 2003/0235717).

Van de Veerdonk et al. disclose a magnetic recording medium having a substrate, a soft magnetic layer having an oxide surface, a seedlayer and alternating layers of Co and Pt (or Pd). The Co layers contain an additive element such as Cu, Au, or Ag. The reference teaches that the Pt (or Pd) layers are as thin as 0.6 nm (see figures, paragraphs 16, 20-22, 31, 34). It is the Examiner's contention that the structure shown in figures 2-5 show a magnetic layer having grains which are "relatively dense" (i.e. compact) and a continuous nonmagnetic phase that is "relatively sparse" (i.e. less compact/more spread out).

With respect to claims 15 and 18, the reference teaches several suitable seedlayer materials including Ru, Pt and Pd. It is the Examiner's contention that the group of disclosed seedlayer materials is small enough that one of ordinary skill in the art at the time of invention would have immediately envisaged and embodiment of the invention having a Ru, Pt or Pd seedlayer (see paragraph 16).

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*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, 5-11, 13-14, 16-17, and 19-20 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over van de Veerdonk et al. (US 20030235717).

Van de Veerdonk et al. teach all of the limitations of the claims as detailed above, except for: the claimed rate of coercivity decrease upon "extreme" temperature change, the claimed characteristics of the magnetic torque loop of the recording medium, and the value of the M-H slope parameter.

It is the Examiner's contention that the aforementioned limitations are inherent in the structure taught by van de Veerdonk et al. by virtue of the fact that the reference teaches a recording medium that has the same structure and composition as the claimed recording medium. Thus, one of ordinary skill in the art would expect that the same structures formed from the same materials would exhibit the same properties.

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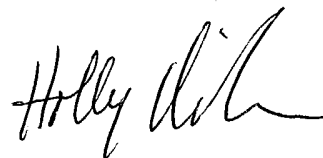
***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coffey et al. (US 2002/0098381), Chen et al. (US 6753072), Chen (US 6743503) and Litvinov et al. (US 6656613) are cited as art.of interest.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Rickman whose telephone number is (571) 272-1514. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul J. Thibodeau can be reached on (571) 272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Holly Rickman  
Primary Examiner  
Art Unit 1773

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June 25, 2004